

KEVIN V. RYAN (CSBN 118321)  
United States Attorney

EUMI L. CHOI (WVSBN 0722)  
Chief, Criminal Division

GREGG W. LOWDER (CSBN 107864)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-6960  
Fax: (415) 436-7044

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP JIUNTI,

Defendant.

No. CR 06-0115 WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
FEBRUARY 15, 2006 THROUGH  
APRIL 4, 2006 FROM CALCULATIONS  
UNDER THE SPEEDY TRIAL ACT (18  
U.S.C. § 3161)**

On February 15, 2006, the defendant appeared for initial appearance before this Court. Josh Cohen, Assistant Federal Public Defender, represented the defendant. The United States was represented by Assistant United States Gregg W. Lowder.

The Court continued the matter to April 4, 2006 @ 2:00 p.m. for hearings on the defense pretrial motions. The defense pretrial motions shall be filed on March 7, 2006; the government's opposition shall be filed March 21, 2006; the defendant's reply shall be filed on March 28; and an April 4 hearing is set for arguments on the motions. The Court also sets the date of March 7, 2006 @ 2:00 p.m. as a status conference/change of plea date.

The parties agree and seek to exclude time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from February 15, 2006 through April 4, 2006 for effective preparation of the counsel in preparing and filing the above motion papers, for continuity of counsel due to

1 government counsel's unavailability to work on this case from February 20 through February 24,  
2 2006, and due to the pendency of motions from March 7 through April 4, 2006. The parties  
3 request the Court find and order that the time from February 15, 2006 through April 4, 2006 be  
4 excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the following  
5 reasons:

- 6 1. The attorney for the defendant requests the Court order time excluded time under the  
7 Speedy Trial Act in order to allow time to effectively prepare the defense of this case in  
8 light of the motions that need to be prepared for filing on March 7, 2006; agrees that the  
9 time should be excluded for February 20 through 24, 2006 due to unavailability of  
10 government counsel; and requests that time be excluded from March 7, 2007 through  
11 April 4, 2006, due to the pendency of pretrial motions. The attorney for the defendant  
12 agrees that the exclusion of time from February 15, 2006 through April 4, 2006 is  
13 appropriate under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(F) & (h)(8)(B)(iv);
- 14 2. The defendant joins in the request to exclude time from February 15, 2006 through  
15 April 4, 2006 for the reasons stated above; and
- 16 3. The attorney for the government requests that time be excluded due to unavailability  
17 of government counsel from February 20 through 24, 2006, since he is scheduled to be  
18 out of state on business, and agrees that, due to the need for effective preparation of  
19 motion papers and the pendency of motions, time should be excluded under the Speedy  
20 Trial Act, 18 U.S.C. § 3161(h)(1)(F) & (8)(B)(iv) from February 15, 2006 through April  
21 4, 2006.

22 Given these circumstances, the Court finds that the ends of justice served by excluding  
23 from calculations the time period from February 15, 2006 through April 4, 2006, outweigh the  
24 best interests of the public and the defendant in a speedy trial, pursuant to the Speedy Trial Act,

25 ///

26 ///

27 ///

28 ///

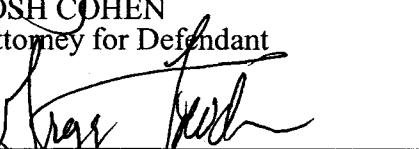
1 18 U.S.C. § 3161(h)(1)(F) & (8)(B)(iv), and orders that the time from February 15, 2006 through  
2 April 4, 2006 is excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

3 **SO STIPULATED:**

4 DATED: 2/10/06

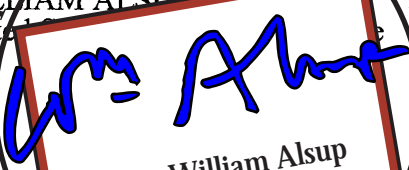
  
JOSH COHEN  
Attorney for Defendant

6 DATED: 2/15/06

  
GREGORY W. LOWDER  
Assistant United States Attorney

9 **IT IS SO ORDERED.**

10 DATED: March 1, 2006

11   
WILLIAM ALSUP  
United States District Judge  
14 Judge William Alsup  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28